Pendergast, Jim

From:	Best-Wong, Benita
Sent:	Tuesday, May 27, 2014 7:59 PM
To:	Diamond, Jane;Evans, David
Subject:	Re: Cargill/Redwood City

Hi Jane,

It looks like Nancy changed her mind after she saw the note from ASA Darcy. Greg and I had a discussion about this around 3 PM today and he relayed the need to develop the acceptance memo for Nancy. Nancy was not involved in that discussion since she is on the road. I'll follow up with folks tomorrow morning.

Sorry about the confusion.
Benita
_____
From: Diamond, Jane
Sent: Tuesday, May 27, 2014 7:42:57 PM
To: Best-Wong, Benita; Evans, David
Subject: FW: Cargill/Redwood City

Jane Diamond
Water Director, EPA Region 9
415-947-8707

-----Original Message-----
From: Blumenfeld, Jared
Sent: Tuesday, May 27, 2014 2:34 PM
To: Quast, Sylvia; Strauss, Alexis; Diamond, Jane
Subject: Fw: Cargill/Redwood City

Jared Blumenfeld, EPA

_____
From: Stoner, Nancy
Sent: Tuesday, May 27, 2014 2:30:51 PM
To: Deputy Administrator; Blumenfeld, Jared
Cc: Kopocis, Ken
Subject: Cargill/Redwood City

Bob, Jared,

Here is the status of this JD by the Corps as I understand it. On Friday, ASA Darcy sent a memo to Gen Bostick at the Corps asking him to wait to finalize the JD until her office has undertaken a legal and policy review of the matter. We believe this at least temporarily defers our need to Special Case this matter during the pendancy of the review. That Special Case memo was otherwise required by May 29th. We are in contact with the ASA's Counsel and will remain in contact during the review. Our current thinking is that to ensure that we retain authority to Special Case this matter later if necessary, we will send a memo to the Region and copy the DE indicating that we are deferring to the ASA's review at this time. We are coordinating now with OGC to make sure this approach preserves our rights. Happy to get the advice of Regional Counsel also. Will proceed with this approach unless Counsel advises otherwise or one of you has a concern. Thanks

Nancy

Cc: Ken